SUBCHAPTER F : MISCELLANEOUS INDUSTRIAL SOURCES

CUTBACK ASPHALT

§§115.512, 115.513, 115.515-115.517, 115.519
Effective May 22, 1997

§115.512. Control Requirements.

For persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following control requirements shall apply.

(1) In Nueces County, the use of cutback asphalt containing volatile organic compound (VOC) solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 8.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(2) In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the use of cutback asphalt containing VOC solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 7.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(3) In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, no person shall allow the use, application, sale, or offering for sale of cutback asphalt containing VOC solvents for paving roadways, driveways, or parking lots during the period from April 16 to September 15 of any year.

(4) When emulsified asphalt is utilized to comply with subsection (3) of this section, the maximum VOC content shall not exceed 12% by weight or the following limitations, whichever is more stringent:

(A) 0.5% by weight for seal coats;

(B) 3.0% by weight for chip seals when dusty or dirty aggregate is used;

(C) 8.0% by weight for mixing with open graded aggregate with less than 1% by weight of dust or clay-like materials adhering to the coarse aggregate fraction (¼ inch in diameter or greater); and

(D) 12.0% by weight for mixing with dense graded aggregate when used to produce a mix designed to have 10% or less voids when fully compacted.

Adopted February 14, 1996 Effective March 7, 1996

§115.513. Alternate Control Requirements.

For all affected persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

Adopted February 14, 1996 Effective March 7, 1996

§115.515. Testing Requirements.

For Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with §115.512(4) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) ASTM Test Method D 244 for determining volatile organic compound content of asphalt emulsions; or

(2) minor modifications to these test methods approved by the Executive Director.

Adopted May 8, 1992 Effective August 1, 1992

§115.516. Recordkeeping Requirements.

For Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, any state, municipal, or county agency who uses or specifies the use of the type of asphalt or asphalt emulsion affected by §115.512 of this title (relating to Control Requirements) shall maintain records sufficient to document compliance with applicable restrictions and shall make such records available upon request to representatives of the Texas Natural Resource Conservation Commission, United States Environmental Protection Agency, or the local air pollution control agency having jurisdiction in the area.

Adopted May 8, 1992 Effective August 1, 1992

§115.517. Exemptions.

For persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the following are exempt from the provisions of §115.512(3) of this title (relating to Control Requirements):

(1) asphalt concrete made with cutback asphalt, used for patching, which is stored in a long-life stockpile (longer than one-month storage); and

(2) cutback asphalt used solely as a penetrating prime coat.

Adopted February 14, 1996 Effective March 7, 1996

§115.519. Counties and Compliance Schedules.

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with this undesignated head (relating to Cutback Asphalt) as soon as practicable, but no later than April 16, 1993.

(b) All persons in Brazoria, Galveston, Harris, Jefferson, and Orange Counties affected by the provisions of §115.512(2) of this title (relating to Control Requirements) shall be in compliance with this section as soon as practicable, but no later than December 31, 1992.

Adopted May 8, 1992 Effective August 1, 1992

PERCHLOROETHYLENE DRY CLEANING SYSTEMS

§§115.521-115.527, 115.529
Effective May 22, 1997

§115.521. Emission Specifications.

For the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), the owner or operator of a dry cleaning facility using perchloroethylene shall vent the entire dryer exhaust through a properly functioning control device such that emissions are limited to no more than 100 parts per million before dilution.

Adopted December 8, 1989 Effective February 19, 1990

§115.522. Control Requirements.

For the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), the owner or operator of a dry cleaning facility using perchloroethylene shall apply the following control requirements:

(1) Cook or treat all diatomaceous earth filters so that the residue contains 25% by weight or less of volatile organic compounds (VOC);

(2) Reduce the VOC from all solvent stills to 60 weight percent or less of wet waste material;

(3) Drain all filtration cartridges in the filter housing for at least 24 hours before removing and discarding the cartridges and, when possible, dry all drained cartridges in the dryer tumbler or elsewhere without emitting VOC to the atmosphere; and

(4) Store all solvent-contaminated waste materials in vapor-tight containers prior to proper disposal.

Adopted December 8, 1989 Effective February 19, 1990

§115.523. Alternate Control Requirements.

For all affected persons in the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive

Director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

Adopted December 8, 1989 Effective February 19, 1990

§115.524. Inspection Requirements.

For all affected persons in the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), the owner or operator of a dry cleaning facility using perchloroethylene shall visually inspect, at least weekly, all system components and immediately repair all liquid leaks.

Adopted December 8, 1989 Effective February 19, 1990

§115.525. Testing Requirements.

For the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), compliance with §115.521 of this title (relating to Emission Specifications) shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rates, as necessary;

(2) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or

(5) minor modifications to these test methods approved by the Executive Director.

Adopted December 8, 1989 Effective February 19, 1990

§115.526. Recordkeeping Requirements.

For the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), the owner or operator of any perchloroethylene dry cleaning facility shall maintain the following information for two years and make such information available for review upon request by authorized representatives of the Texas Natural Resource Conservation Commission, United States Environmental Protection Agency, and local air pollution control agencies.

(1) A record of control equipment maintenance, such as replacement of the carbon in a carbon adsorption unit.

(2) A record of the results of visual leak inspections conducted in accordance with §115.524 of this title (relating to Inspection Requirements).

(3) The results of all tests conducted in accordance with the requirements described in §115.525 of this title (relating to Testing Requirements).

Adopted December 8, 1989 Effective February 19, 1990

§115.527. Exemptions.

For the counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules), the following exemptions shall apply.

(1) Coin-operated perchloroethylene dry cleaning facilities are exempt from the provisions of this undesignated head (relating to Perchloroethylene Dry Cleaning Systems).

(2) Any perchloroethylene dry cleaning facility located in Brazoria, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, or Victoria Counties which, when uncontrolled, would emit a combined weight of volatile organic compounds of less than 550 pounds (249.5 kg) in any consecutive 24-hour period is exempt from the provisions of this undesignated head (relating to Perchloroethylene Dry Cleaning Systems).

Adopted December 8, 1989 Effective February 19, 1990

§115.529. Counties and Compliance Schedules.

All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (relating to Perchloroethylene Dry Cleaning Systems) in accordance with the following schedules:

(1) All compliance schedules which have expired prior to February 1, 1990, in accordance with §115.930 of this title (relating to Compliance Dates);

(2) All persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties affected by the provisions of §115.526 of this title (relating to Recordkeeping Requirements) shall be in compliance as soon as practicable but no later than August 31, 1990; and

(3) All persons required to implement controls as a result of the removal of the exemptions previously granted for inadequate space or insufficient steam capacity shall be in compliance as soon as practicable, but no later than August 31, 1990.

Adopted December 8, 1989 Effective February 19, 1990

PHARMACEUTICAL MANUFACTURING FACILITIES

§§115.115.531-115.537, 115.539
Effective May 22, 1997

§115.531. Emission Specifications.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the owner or operator of a synthesized pharmaceutical manufacturing facility shall satisfy the following emission specifications:

(1) Reactors, Distillation Units, Crystallizers, Centrifuges, and Vacuum Dryers. The emission of volatile organic compounds (VOC) from these sources shall be controlled by means of surface condensers from which the condenser outlet gas temperature must not exceed the following:

When VOC Vapor Pressure At 68°F (20°C) Exceeds	Outlet gas Maximum Temperature
5.8 psia (40 kPa)	-13°F (-25°C)
2.9 psia (20 kPa)	5°F (-15°C)
1.5 psia (10 kPa)	32°F (0°C)
1.0 psia (7 kPa)	50°F (10°C)
0.5 psia (3.5 kPa)	77°F (25°C)

(2) Air Dryers and Exhaust Systems. VOC emissions from all air dryers and production equipment exhaust systems shall be reduced to not more than 33 lbs/day (15 kg/day) or controlled in accordance with §115.532(a)(4) of this title (relating to Control Requirements).

(3) Loading Facilities. VOC emissions from truck or railcar deliveries to storage tanks at loading facilities shall be controlled in accordance with §115.532(a)(4) of this title.

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of a synthesized pharmaceutical manufacturing facility shall satisfy the following emission specifications:

(1) Reactors, Distillation Units, Crystallizers, Centrifuges, and Vacuum Dryers. The emission of VOC from these sources shall be controlled by means of surface condensers from which the condenser outlet gas temperature must not exceed the following:

When VOC Vapor Pressure At 68°F (20°C) Exceeds	Outlet gas Maximum Temperature
5.8 psia (40 kPa)	-13°F (-25°C)
2.9 psia (20 kPa)	5°F (-15°C)
1.5 psia (10 kPa)	32°F (0°C)
1.0 psia (7 kPa)	50°F (10°C)
0.5 psia (3.5 kPa)	77°F (25°C)

(2) Air Dryers and Exhaust Systems. VOC emissions from all air dryers and production equipment exhaust systems shall be reduced to not more than 33 lbs/day (15 kg/day) or controlled in accordance with §115.532(b)(4) of this title.

(3) Loading Facilities. VOC emissions from truck or railcar deliveries to storage tanks at loading facilities shall be controlled in accordance with §115.532(b)(4) of this title.

Adopted May 8, 1992 Effective August 1, 1992

§115.532. Control Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of a synthesized pharmaceutical manufacturing facility shall provide the following specified controls.

(1) Tanks.

(A) All in-process tanks that contain volatile organic compounds (VOC) at any time shall be kept covered, except when production, sampling, maintenance, or inspection procedures require operator access.

(B) All storage tanks that store VOC shall have pressure vacuum conservation vents installed which are set at ±0.8 inches of water (±0.2 kPa), unless a more effective control system is used.

(2) Centrifuges and Filters. Centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface which process liquids containing VOC shall be enclosed.

(3) Leaks.

(A) All liquid leaks containing VOC from a process unit or storage tank shall be repaired the first time the equipment is off-line long enough to complete the repair.

(B) All liquid or gaseous leaks of VOC observed during loading operations shall be repaired immediately. Loading operations shall be discontinued until the leak is repaired.

(4) Air dryers, production equipment exhaust systems, and loading facilities. Sources affected by §115.531(a) of this title shall be controlled by a system with a reduction efficiency of at least 90% of the uncontrolled emissions.

(5) Pharmaceutical manufacturing facility. Any pharmaceutical manufacturing facility that becomes subject to the provisions of paragraphs (1)-(4) of this subsection by exceeding provisions of §115.537(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below exemption limits unless and until emissions are reduced to no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to less than the applicable exemption limits in §115.537(a) of this title and:

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permit for New Construction or Modification; and Exemptions from Permitting). If a standard exemption is available for the project, compliance with this subsection must be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

(B) if authorization by permit, permit amendment, standard permit, or standard exemption is not required for the project, the owner/operator has given the executive director 30 days' notice of the project in writing.

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of a synthesized pharmaceutical manufacturing facility shall provide the following specified controls:

(1) Tanks.

(A) All in-process tanks that contain VOC at any time shall be kept covered, except when production, sampling, maintenance, or inspection procedures require operator access.

(B) All storage tanks that store VOC shall have pressure vacuum conservation vents installed which are set at ±0.8 inches of water (±0.2 kPa), unless a more effective control system is used.

(2) Centrifuges and Filters. Centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface which process liquids containing VOC shall be enclosed.

(3) Leaks.

(A) All liquid leaks containing VOC from a process unit or storage tank shall be repaired the first time the equipment is off-line long enough to complete the repair.

(B) All liquid or gaseous leaks of VOC observed during loading operations shall be repaired immediately. Loading operations shall be discontinued until the leak is repaired.

(4) Air dryers, production equipment exhaust systems, and loading facilities. Sources affected by §115.531(b) of this title shall be controlled by a system with a reduction efficiency of at least 90% of the uncontrolled emissions.

Adopted April 30, 1997 Effective May 22, 1997

§115.533. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Pharmaceutical Manufacturing Facilities) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Pharmaceutical Manufacturing Facilities) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

Adopted April 30, 1997 Effective May 22, 1997

§115.534. Inspection Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following inspection requirements shall apply.

(1) Inspection for visible liquid leaks, visible fumes, or significant odors resulting from the transfer of VOC from trucks or railcars to storage tanks at loading facilities shall be conducted by the owner or operator of any pharmaceutical manufacturing facility.

(2) VOC loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the following inspection requirements shall apply:

(1) Inspection for visible liquid leaks, visible fumes, or significant odors resulting from the transfer of VOC from trucks or railcars to storage tanks at loading facilities shall be conducted by the owner or operator of any pharmaceutical manufacturing facility.

(2) VOC loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

Adopted May 8, 1992 Effective August 1, 1992

§115.535. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with this undesignated head (relating to Pharmaceutical Manufacturing Facilities) shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rate, as necessary;

(2) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(5) determination of true vapor pressure using ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

(6) minor modifications to these test methods approved by the Executive Director.

(b) For Gregg, Nueces, and Victoria Counties, compliance with this undesignated head (relating to Pharmaceutical Manufacturing Facilities) shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 CFR 60, Appendix A) for determining flow rate, as necessary;

(2) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(5) determination of true vapor pressure using ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

(6) minor modifications to these test methods approved by the Executive Director.

Adopted May 8, 1992 Effective August 1, 1992

§115.536. Monitoring and Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following recordkeeping requirements shall apply.

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of volatile organic compound (VOC) from process units affected by §115.531(a)(1) of this title (relating to Emission Specifications) shall install and maintain monitors to continuously measure and record the outlet gas temperature to ensure proper functioning in accordance with design specifications.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531(a) of this title or §115.532(a) of this title (relating to Control Requirements) shall:

(A) install and maintain monitors to continuously measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, including:

(i) the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed,

(ii) the exhaust gas VOC concentration of any carbon adsorption system, as defined in §115.10 of this title (relating to Definitions), to determine if breakthrough has occurred,

(iii) the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month, or

(iv) the daily emission rate of VOC from the control device;

(B) maintain a record of the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(3) The owner or operator of any pharmaceutical manufacturing facility which is exempted from the requirements in accordance with the provisions of §115.537(a) of this title (relating to Exemptions) shall maintain a record of the following information, as appropriate:

(A) the vapor pressure of materials transferred at loading facilities, stored in tanks, or processed in centrifuges and filters; and

(B) the daily emissions rate of VOC.

(4) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.535(a) of this title (relating to Testing Requirements), and

(5) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the executive director, United States Environmental Protection Agency (EPA), or local air pollution control agency.

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of VOC from process units affected by §115.531(b)(1) of this title shall install and maintain monitors to continuously measure and record the outlet gas temperature to ensure proper functioning in accordance with design specifications.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531(b) of this title or §115.532(b) of this title shall:

(A) install and maintain monitors to continuously measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, including:

(i) the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed,

(ii) in Victoria County, the exhaust gas VOC concentration of any carbon adsorption system, as defined in §115.10 of this title, to deter-mine if breakthrough has occurred,

(iii) the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month, or

(iv) the daily emission rate of VOC from the control device;

(B) maintain a record of the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(3) The owner or operator of any pharmaceutical manufacturing facility which is exempted from the requirements in accordance with the provisions of §115.537(b) of this title shall maintain a record of the following information, as appropriate:

(A) the vapor pressure of materials transferred at loading facilities, stored in tanks, or processed in centrifuges and filters; and

(B) the daily emissions rate of VOC.

(4) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.535(b) of this title, and

(5) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the executive director, EPA, or local air pollution control agency.

Adopted April 30, 1997 Effective May 22, 1997

§115.537. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply:

(1) Storage tanks at loading facilities with capacities less than or equal to 2,000 gallons (7,571 liters) are exempt from the requirements of §115.531(a)(3) of this title (relating to Emission Specifications).

(2) Storage tanks at loading facilities that store volatile organic compounds (VOC) with vapor pressures less than or equal to 4.1 psia (28 kPa) at 68°F (20°C) are exempt from the requirements of §115.531(a)(3) of this title.

(3) Storage tanks containing VOC with vapor pressures less than or equal to 1.5 psia (10.3 kPa) at 68°F (20°C) are exempt from the requirements of §115.532(a)(1)(B) of this title (relating to Control Requirements).

(4) Centrifuges and filters which process liquids containing VOC with vapor pressures less than 0.5 psia (3.4 kPa) at 68°F (20°C) are exempt from the requirements of §115.532(a)(2) of this title.

(5) Any individual unit which, when uncontrolled, will emit a combined weight of VOC less than 15 lbs. (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) and §115.532(a) of this title.

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply:

(1) Storage tanks at loading facilities with capacities less than or equal to 2,000 gallons (7,571 liters) are exempt from the requirements of §115.531(b)(3) of this title.

(2) Storage tanks at loading facilities that store VOC with vapor pressures less than or equal to 4.1 psia (28 kPa) at 68°F (20°C) are exempt from the requirements of §115.531(b)(3) of this title.

(3) Storage tanks containing VOC with vapor pressures less than or equal to 1.5 psia (10.3 kPa) at 68°F (20°C) are exempt from the requirements of §115.532(b)(1)(B) of this title.

(4) Centrifuges and filters which process liquids containing VOC with vapor pressures less than 0.5 psia (3.4 kPa) at 68°F (20°C) are exempt from the requirements of §115.532(b)(2) of this title.

(5) Any facility which, when uncontrolled, will emit a combined weight of VOC less than 550 lbs. (249.5 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(b) of this title and §115.532(b) of this title.

Adopted April 30, 1997 Effective May 22, 1997

§115.539. Counties and Compliance Schedules.

All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, Victoria, and Waller Counties shall continue to comply with this undesignated head (relating to Pharmaceutical Manufacturing Facilities) as required by §115.930 of this title (relating to Compliance Dates).

Adopted April 30, 1997 Effective May 22, 1997

DEGASSING OR CLEANING OF STATIONARY, MARINE, AND TRANSPORT VESSELS

§§115.541-115.547, 115.549
Effective May 22, 1997

§115.541. Emission Specifications.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following emission specifications shall apply to degassing during or in preparation of cleaning.

(1) For all stationary volatile organic compound (VOC) storage tanks with a nominal storage capacity of 1,000,000 gallons or more:

(A) No person shall permit VOC emissions with a vapor space partial pressure greater than or equal to 0.5 pounds per square inch absolute (psia) (3.4 Kpa) under actual storage conditions unless the vapors are processed by a vapor control system;

(B) The vapor control system shall maintain a control efficiency of at least 90%;

(C) When conducting degassing or cleaning operations, no avoidable liquid or gaseous leaks, as detected by sight or sound, shall originate from the degassing or cleaning operations; and

(D) The intentional bypassing of a vapor control device used during degassing or cleaning is prohibited. Any visible VOC leak originating from the vapor control device or other associated product recovery device shall be repaired as soon as practical.

(2) For all transport vessels, as defined in §115.10 of this title, with a nominal storage capacity of 8,000 gallons or more:

(A) No person shall permit VOC emissions with a vapor space partial pressure greater than or equal to 0.5 psia (3.4 Kpa) under actual storage conditions unless the vapors are processed by a vapor control system;

(B) The vapor control system shall maintain a control efficiency of at least 90%;

(C) When conducting degassing or cleaning operations, no avoidable liquid or gaseous leaks, as detected by sight or sound, shall originate from the degassing or cleaning operations;

(D) The intentional bypassing of a vapor control device used during degassing or cleaning is prohibited. Any visible VOC leak originating from the vapor control device or other associated product recovery device shall be repaired as soon as practical; and

(E) All transport vessels, as defined in §115.10 of this title, shall be kept vapor-tight at all times until the VOC vapors remaining in the vessel are discharged to a vapor control system.

(b) For all persons in the Beaumont/Port Arthur and Houston/Galveston areas, the following emission specifications shall apply to degassing during or in preparation of cleaning for all marine vessels, as defined in §115.10 of this title, which have a nominal storage capacity of 10,000 barrels (420,000 gallons) or more and contain VOCs.

(1) No person shall degas or clean a tank that carried a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch absolute (3.4 kPa) unless the vapors are processed by a vapor control system.

(2) The vapor control system shall maintain a control efficiency of at least 90%.

(3) When conducting degassing or cleaning operations, no avoidable liquid or gaseous leaks, as detected by sight or sound, shall originate from the degassing or cleaning operations.

(4) The intentional bypassing of a vapor control device used during degassing or cleaning is prohibited. Any visible VOC leak originating from the vapor control device or other associated product recovery device shall be repaired as soon as possible.

(5) All marine vessels, as defined in §115.10 of this title, containing VOCs shall have all cargo tank closures properly secured, or maintain a negative pressure within the tank when a closure is opened, and shall have all pressure/vacuum relief valves operating within certified limits as specified by classification society or flag state until the vapors are discharged to a vapor control system if the vessel is degassed or cleaned.

Adopted February 14, 1996 Effective March 7, 1996

§115.542. Control Requirements.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following control requirements shall apply to stationary storage tanks and transport vessels.

(1) No person shall permit the degassing or cleaning of volatile organic compounds (VOC) from a stationary storage tank or transport vessel unless the vapors are processed by a vapor control system.

(2) When degassing or cleaning is effected through the hatches of a transport vessel with a loading arm equipped with a vapor collection adapter, then pneumatic, hydraulic, or other mechanical means shall be provided to force a vapor-tight seal between the adapter and the hatch. A means shall be provided to minimize liquid drainage from the degassing or cleaning device when it is removed from the hatch of any transport vessel or to accomplish drainage before such removal.

(3) When degassing or cleaning is effected through the hatches or manways of stationary VOC storage tanks, all lines shall be equipped with fittings which make vapor-tight connections and which are closed when disconnected; or equipped to permit residual VOC in the line to discharge into a recovery or disposal system after degassing or cleaning is complete.

(4) Degassing and cleaning equipment shall be designed and operated to prevent avoidable VOC leaks.

(5) Vapors shall be routed to the control device until a turnover of at least four vapor space volumes has occurred, or four turnovers of the vapor space under a floating roof, or the partial vapor pressure is less than 0.5 psia (19,000 ppmw, or 34,000 ppmv expressed as methane). After one of these conditions has been satisfied, the storage vessel may be vented to the atmosphere for the remainder of the degassing or cleaning process.

(b) For all persons in the Beaumont/Port Arthur and Houston/Galveston areas, the following control requirements shall apply to marine vessels:

(1) No person shall permit the degassing or cleaning of a marine vessel containing VOCs unless the vapors are processed by a vapor control system.

(2) When degassing or cleaning is effected through the hatches of a marine vessel containing VOCs with a loading arm equipped with a vapor collection adapter, then pneumatic, hydraulic, or other mechanical means shall be provided to force a vapor-tight seal between the adapter and the hatch, or a negative pressure inside the cargo tank shall be maintained. A means shall be provided to minimize liquid drainage from the degassing or cleaning device and line when they are removed from the hatch of any marine vessel containing VOCs or to accomplish drainage before such removal.

(3) Degassing and cleaning equipment must be designed and operated to prevent avoidable VOC leaks.

(4) Vapors shall be routed to the control device until the marine vessel is stripped VOC liquid-free and a turnover of at least four vapor space volumes has occurred, the partial vapor pressure is less than 0.5 psia (19,000 ppmw, or 34,000 ppmv expressed as methane), or the concentration of VOC is less than 20% of lower explosion limit. After one of these conditions has been satisfied, the marine vessel may be vented to the atmosphere for the remainder of the degassing or cleaning process.

Adopted February 14, 1996 Effective March 7, 1996

§115.543. Alternate Control Requirements.

For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head may be approved by the Executive

Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

Adopted February 14, 1996 Effective March 7, 1996

§115.544. Inspection Requirements.

For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/ Galveston areas, the following inspection requirements shall apply.

(1) Inspection for visible liquid leaks, visible fumes, or significant odors resulting from volatile organic compound (VOC) transfer operations shall be conducted during each degassing or cleaning operation by the owner or operator of the VOC degassing and cleaning facility; and

(2) VOC degassing or cleaning through the affected transfer lines shall be discontinued when a leak is observed and the leak cannot be repaired within a reasonable length of time. The intentional bypassing of a vapor control device during cleaning or degassing is prohibited.

Adopted May 4, 1994 Effective May 27 1994

§115.545. Approved Test Methods.

For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance with §115.541 and §115.542 of this title (relating to Emission Specifications and Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 [40 Code of Federal Regulations (CFR) 60, Appendix A] for determining flow rates;

(2) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(5) additional test procedures described in 40 CFR 60.503 b, c, and d, for determining compliance for bulk gasoline terminals;

(6) Test Method 21 (40 CFR 60, Appendix A) for determining volatile organic compound leaks;

(7) determination of true vapor pressure using ASTM Test Method D323-89, D2879, D4953, D5190, or D5191 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989;

(8) Test Method 27 (40 CFR 60, Appendix A) for determining tank-truck leaks;

(9) determination of cargo tank pressurization method described in 40CFR61.304(f); or

(10) minor modifications to these test methods approved by the Executive Director.

Adopted May 4, 1994 Effective May 27, 1994

§115.546. Monitoring and Recordkeeping Requirements.

For facilities in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas affected by §115.541 and §115.542 of this title (relating to Emission Specifications and Control Requirements), the owner or operator of any volatile organic compound (VOC) degassing or cleaning facility shall maintain the following information at the facility for at least two years and shall make such information available upon request to representatives of the Texas Natural Resource Conservation Commission, United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction in the area:

(1) For vessel degassing or cleaning operations:

(A) a record of the type and number of all transport vessels, stationary VOC storage tanks, and marine vessels which are degassed or cleaned at the affected facility;

(B) the chemical name and estimated liquid quantity of VOC contained in each vessel prior to degassing or cleaning; and

(C) the chemical name and estimated liquid quantity of VOC removed from each vessel.

(2) For vapor control systems:

(A) continuous monitoring and recording of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) continuous monitoring and recording of the inlet and outlet gas temperature of a catalytic incinerator;

(C) continuous monitoring and recording of the exhaust gas VOC concentration for carbon adsorption systems that contain facilities to regenerate the carbon bed directly, as defined in §115.10 of this title (relating to Definitions); or periodic monitoring of the exhaust gas VOC as specified by 40 CFR

61.354(d), of any carbon adsorption system that does not regenerate the carbon bed directly, to determine breakthrough; and

(D) the date and reason for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(3) The results of any leak inspection and repair conducted in accordance with the provisions specified in §115.544 of this title (relating to Inspection Requirements).

(4) The results of any testing conducted in accordance with the provisions specified in §115.545 of this title (relating to Approved Test Methods).

Adopted February 14, 1996 Effective March 7, 1996

§115.547. Exemptions.

For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following exemptions apply.

(1) Degassing or cleaning any vessel with a vapor space partial pressure less than 0.5 pounds per square inch absolute (3.4 Kpa) of volatile organic compound (VOC) under actual storage conditions is exempt from the requirements of this undesignated head.

(2) Degassing or cleaning any transport vessel with a nominal storage capacity of less than 8,000 gallons, or any stationary VOC storage tank with a nominal storage capacity of less than 1,000,000 gallons, or any marine vessel with a nominal storage capacity of less than 10,000 barrels (420,000 gallons), is exempt from the requirements of this undesignated head.

(3) Any stationary VOC storage tank during preventative maintenance, roof repair, primary seal inspection, or removal and installation of a secondary seal, if product is not moved in or out of the storage tank, emissions are minimized, and the repair is completed within seven calendar days.

(4) Any marine vessel which has sustained damage which prevents a cargo tanks opening from being properly secured, the onboard vapor recovery system to be inoperative, or the pressure/vacuum relief valves from operating within certified limits as specified by classification society or flag state is exempt from §115.541(3) and §115.542(b) of this title (relating to Emission Specification and Control Requirements); however, all reasonable measures shall be taken to minimize VOC emissions.

(5) Any oceangoing, self-propelled marine vessel is exempt from the degassing or cleaning requirements of this undesignated head.

Adopted February 14, 1996 Effective March 7, 1996

§115.549. Counties and Compliance Schedules.

(a) All affected persons in the Brazoria, Chambers, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, and Waller Counties shall be in compliance with this undesignated head (relating to Degassing or Cleaning of Stationary, Marine, and Transport Vessels) as soon as practicable, but no later than November 15, 1996.

(b) All affected persons in Collin, Dallas, Denton, and Tarrant Counties shall be in compliance with this undesignated head as soon as practicable, but no later than one year, after the Texas Natural Resource Conservation Commission (TNRCC) publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard (NAAQS) for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act (FCAA), §172(c)(9).

(c) All affected persons in El Paso County shall be in compliance with this undesignated head as soon as practicable, but no later than one year, after the TNRCC publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the FCAA, §172(c)(9).

Adopted February 14,1996 Effective March 7, 1996

PETROLEUM DRY CLEANING SYSTEMS

§§115.552, 115.553, 115.555-115.557, 115,559
Effective May 22, 1997

§115.552. Control Requirements.

(a) For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the owner or operator of any dry cleaning facility which uses petroleum-based solvents shall not operate the facility unless the following requirements are satisfied.

(1) Dryers. The owner or operator of a dry cleaning facility shall either:

(A) install, maintain, and operate a solvent-recovery dryer that recovers at least 85% by weight of the used petroleum solvent;

(B) install, maintain, and operate a petroleum dry-to-dry dryer that recovers at least 85% by weight of the used petroleum solvent; or

(C) route the exhaust air stream from the standard dryer to any other properly functioning control device which reduces the total emissions of volatile organic compounds (VOC) to the atmosphere by at least 85% by weight.

(2) Filtration systems. The owner or operator of a petroleum solvent filtration system shall either:

(A) install, maintain, and operate a cartridge filtration system according to the manufacturer's recommendations. The owner or operator shall drain all filter cartridges in their closed housings for at least eight hours before their removal; or

(B) maintain and operate a regenerative filter or any other filtration medium according to the manufacturers' recommendations. The owner or operator shall drain the filter medium in its closed housing for at least eight hours before its removal. Upon removal, the owner or operator shall directly place the filter medium in disposable vapor tight containers or bags and shall keep these containers or bags vapor tight at all times until they are properly landfilled.

(3) Fugitive emissions. The owner or operator shall ensure that:

(A) there are no visual, audible, or smellable leaks from any portion of the dry cleaning equipment. Visual inspection of all equipment and system components shall be conducted at least weekly.

(B) all washer and dryer traps, access doors, and other parts of the equipment where solvent may be exposed to the atmosphere are kept closed at all times except when required for proper operation or maintenance.

(C) all solvent-contaminated waste materials are stored in closed containers prior to proper disposal.

(D) repair of any visual, audible, or olfactory leak in any portion of the equipment shall be completed within three working days from the time the leak is detected. If necessary repair parts are not on hand, the owner or operator shall order the necessary parts within three working days and shall repair the leak no later than three working days after the parts arrive.

(b) Any petroleum solvent dry cleaning facility that becomes or is currently subject to the control requirements of subsection (a) of this section by exceeding the exemption limit of §115.157 of this title (relating to Exemptions) shall remain subject to the provisions of this section, even if its consumption of petroleum solvent later falls below the exemption level unless and until its uncontrolled solvent consumption is reduced to no more than its solvent consumption level before lifting controls, and

(1) the project by which solvent consumption was reduced is authorized by any permit or permit amendment or standard permit or standard exemption required by Chapter 116 or Chapter 106 of this title (concerning Control of Air Pollution by Permits for New Construction or Modification; and Exemptions from Permitting). If a standard exemption is available for the project, compliance with this subsection shall be maintained for 30 days after the filing of documentation of compliance with that standard exemption; or

(2) if authorization by permit, permit amendment, standard permit, or standard exemption is not required for the project, the owner/operator has given the executive director 30 days' notice of the project in writing.

Adopted April 30, 1997 Effective May 22, 1997

§115.553. Alternate Control Requirements.

For all affected persons in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this undesignated head (relating to Petroleum Dry Cleaning Systems) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

Adopted April 30, 1997 Effective May 22, 1997

§115.555. Testing Methods and Procedures.

(a) To demonstrate initial compliance with the provisions of §115.552(a)(1)(A) of this title (relating to Control Requirements), the owner or operator of an affected facility shall perform an initial test to verify that the flow rate of recovered solvent from the recovery dryer is no greater than 1.7 fluid ounces per minute (50 milliliters per minute) at the termination of the recovery cycle. The test shall be conducted for the duration of one week during which no less than 50% of the dryer loads shall be monitored for their final recovered solvent flow rate. The location point for measuring the flow rate of recovered solvent shall be the outlet of the solvent-water separator. Near the end of the recovery cycle the entire flow of recovered solvent shall be diverted to a graduated cylinder. As the recovered solvent collects in the graduated cylinder the elapsed time is monitored and recorded in periods of greater than or equal to one minute. At the same time, the volume of solvent in the graduated cylinder is monitored and recorded to determine the volume of recovered solvent that is collected during each time period. The recovered solvent flow rate is calculated by dividing the volume of solvent collected per period by the length of time elapsed during the period and converting the results with appropriate factors into units of ounces or milliliters per minute. The recovery cycle and the monitoring procedure should continue until the flow rate of solvent is less than or equal to 1.7 fluid ounces per minute (50 milliliters per minute).

(b) To demonstrate initial compliance with the provisions of §115.552(a)(1)(C) of this title, the owner or operator of an affected facility shall apply the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rate, as necessary;

(2) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous non-methane organic emissions as carbon;

(4) Test Methods 25A (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or

(5) one of the above test methods with minor modifications as approved by the Executive Director.

Adopted May 4, 1994 Effective May 27, 1994

§115.556. Recordkeeping Requirements.

(a) For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the owner or operator of any dry cleaning facility which uses petroleum-based solvent shall maintain records of monthly solvent consumption for at least two rolling years in a readily accessible location at the plant site. Solvent consumption of the previous consecutive 12 months shall be

calculated monthly and used for determining if the exemption threshold in §115.557 of this title (relating to Exemptions) has been exceeded.

(b) For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title, the owner or operator of a dry cleaning facility subject to the requirements of §115.552 of this title (relating to Control Requirements) shall maintain:

(1) records of the performance test required under the provisions of §115.555(a) of this title (relating to Test Methods and Procedures) if the facility elects to comply with the control requirements of §115.552(a)(1)(A) of this title;

(2) documentation which demonstrates compliance with the provisions of §115.555(b) of this title if the facility elects to comply with the control requirements of §115.552(a)(1)(C) of this title.

Adopted May 4, 1994 Effective May 27, 1994

§115.557. Exemptions.

For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), any petroleum solvent dry cleaning facility that consumes less than 2,000 gallons of petroleum solvent per year is exempted from the requirements of §115.552(a)(1) of this title (relating to Control Requirements.)

Adopted May 4, 1994 Effective May 27, 1994

§115.559. Counties and Compliance Schedules.

(a) All affected petroleum solvent dry cleaning facilities in Collin, Dallas, Denton, and Tarrant Counties shall be in compliance with §§115.552, 115.553, and 115.555-115.557 of this title (relating to Control Requirements; Alternate Control Requirements; Testing Methods and Procedures; Recordkeeping Requirements; and Exemptions) as soon as practicable, but no later than one year, after the Texas Natural Resource Conservation Commission (commission) publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the National Ambient Air Quality Standard (NAAQS) for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(b) All affected petroleum solvent dry cleaning facilities in El Paso County shall be in compliance with §§115.552, 115.553, and 115.555-115.557 of this title as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(c) All affected petroleum solvent dry cleaning facilities in Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, and Waller Counties shall be in compliance with §§115.552, 115.553, and 115.555-115.557 of this title as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(d) Any petroleum solvent dry cleaning facility that becomes subject to the control requirements of §115.552(a)(1) of this title by exceeding the exemption threshold as identified in §115.557 of this title shall be in compliance as soon as practicable, but no later than two years from the time the exemption level was exceeded.

Adopted April 30, 1997 Effective May 22, 1997